

**CITY OF HERCULES****COMMUNITY AND BUSINESS DEVELOPMENT DEPARTMENT**

**TO:** Vice-Chairman Leong and Members of the Planning Commission

**FROM:** Gary Hembree, Community and Business Development Director  
Dennis Tagashira, Associate Planner *Dennis Tagashira*

**FOR:** Meeting of October 25, 1995

**SUBJECT:** General Plan Amendment No. GPA 93-1  
Revised Land Use and Circulation Elements  
Applicant: Community and Business Development Department

**1. RECOMMENDATION:**

That the Planning Commission adopt a resolution recommending to the City Council approval and adoption of General Plan Amendment No. GPA 93-1 updating and revising the existing Land Use and Circulation Elements with related amendments to the Dynamite Redevelopment Project Plan in accordance with California Government Code Section 65302 et. seq. contingent upon the certification of Final Environmental Impact Report No. FEIR 93-1.

**2. PROJECT DESCRIPTION AND APPLICANT:** An amendment of the City's adopted General Plan revising two elements: The existing Land Use and Circulation Elements with related amendments to the Dynamite Redevelopment Project Plan. There are 24 individual parcels which are recommended to be changed to a different land use designation. The applicant is the City's Community and Business Development Department.

**3. EXISTING LAND USE:** Of the 24 subject parcels, 15 are vacant and undeveloped, 9 are improved and are as following:

- a. Parcel 1, the Hercules Properties, Inc. site, which has vacant industrial buildings in the process of demolition and remediation.
- b. Parcel 2, the Hercules Point site, is improved with vacant large industrial buildings.
- c. Parcel 3, the Gelsar site, which has the Little League baseball field improvements.
- d. Parcel 6, the NorthShore Business Park site, which has existing industrial buildings.
- e. Parcel 10, the BART site, which has the transfer transit station improvements.
- f. Parcel B, the McLeod site, which has an existing single family ranch house and farm.



- g. Parcel H, the Creekside Shopping Center site, which has an existing commercial shopping center.
- h. Parcel I, the Willow Shopping Center site, which has an existing commercial shopping center and gasoline station.
- i. Parcel J, the Church of Christ site, which has an existing church.

The attached map, Figure IV.A.1, shows existing land uses on the 24 subject properties.

4. GENERAL PLAN DESIGNATION AND CONFORMANCE: Exhibit A entitled "Comparison of Existing Zoning to Proposed General Plan Designations" is a table which examines the adopted zoning designation on the 24 subject parcels, the proposed density of development, and the maximum floor area which could be built on the property. The General Plan land use classifications on the 24 parcels would have to be changed to conform to the newly revised Land Use Element map and text. The table below compares the existing and proposed land use designations of each of the 24 study area parcels:

<u>General Plan Designation</u>		
<u>Parcel No. and Name</u>	<u>Existing</u>	<u>Proposed</u>
1-Hercules Properties, Inc.	Industrial	Historic Town Center Planned Office/R & D General Commercial Multi-Family Med. Density Res. Open Space
2-Hercules Point	Industrial	Waterfront Commercial
3-Gelsar	Industrial Commercial Indus.	General Commercial Planned Commercial/Resid. Planned Office/R & D Open Space
4-East Bay Realty	Junior, Senior High School	Multi-Fam. Med. Density Res. Planned Commercial/Resid. General Commercial
5-MRB	Neighborhood Commercial	Multi-Fam. Med. Density Res. Planned Commercial/Resid.
6-NorthShore Business Park	Industrial Commercial Indus.	Planned Office/R & D General Commercial
7-ANR	Industrial	Planned Commercial/Indust.
8-Hercules Square	Service Commercial	Community Commercial
9-ORB	Highway Comm.	General Commercial
10-BART	Highway Comm.	Public/Semi-Public
11-I-80 Loop	Highway Comm.	General Commercial
12-Williamson	Highway Comm.	General Commercial



13-Sycamore	Service Commercial	Planned Commercial/Resid.
14-Five Giants	Multi Purpose	General Commercial
A-Church of Nazarene	Medium Density Res	Multi-Fam. Low Density Res.
B-McLeod	Med. Low Density Res.	Multi-Family Low Density Res.
C-Citation	Elementary School	Multi-Family Low Density Res.
D-Carone-1	Multi Purpose	General Commercial
E-Carone-2	Multi Purpose	General Commercial
F-Carone-Sycamore	Town Center	Community Center
G-Old ATSF	Multi Purpose	Community Commercial
H-Creekside	Town Center	General Commercial
I-Willow Center	Highway Comm.	General Commercial
J-Church of Christ	Multi Purpose	General Commercial

5. ENVIRONMENTAL DETERMINATION: The City prepared an Initial Study under the California Environmental Quality act (CEQA) to determine whether an Environmental Impact Report (EIR) or a negative declaration would be prepared for these proposed General Plan Amendments. The Initial Study indicated that the proposal would have significant adverse environmental impacts, and the City directed that an EIR be prepared. The City circulated a Draft EIR on February 6, 1995, for review and comment by affected public agencies and interested members of the public. Joint public workshops were held by the Hercules City Council and Planning Commission on February 27, March 1, March 8, July 8, July 10 and August 24, 1995, in order to provide information regarding the Draft EIR to the public, and to receive comments and respond to questions regarding the document. The public comment period ended on April 3, 1995; the public review period of the Draft EIR was in excess of 45 days. The Planning Commission held a public hearing for the purpose of receiving oral testimony regarding the Draft EIR on April 17, 1995. At the conclusion of the public hearing, the Planning Commission directed that a Final EIR be prepared. The City prepared written responses to comments received during the comment period and at the joint workshops and public hearing. The FEIR, including all comments and responses, was published and made available to affected agencies and the public on June 9, 1995. A public hearing was held before the Planning Commission on April 3, June 19, and October 25, 1995.

6. ANALYSIS:

- a. General Discussion: The General Plan is a city's basic planning document. It provides a blueprint for development throughout the community and is the vehicle through which competing interests and needs of its citizenry are balanced and integrated. The plan addresses all aspects of development including housing, traffic, open space, safety, land uses and public facilities.

Under state planning law, each city must adopt a comprehensive, long-term general plan for the physical development of both the city and any land outside the city's boundaries that it judges to relate to its planning (Gov't Code Section 65300).



General plans consists of statements of development policies and includes diagrams and text setting forth objectives, principals, standards and plan proposals (Gov't Code Section 65302). There are seven mandatory elements of a general plan and any optional element that a city chooses to adopt. The seven mandatory elements are land use, housing, circulation, conservation, open space, noise and safety elements. Currently, the City of Hercules has adopted nine elements which are as follows:

1. Land Use.
2. Circulation/Scenic Highway.
3. Housing.
4. Open Space/Conservation.
5. Safety/Seismic Safety.
6. Noise.
7. Hazardous Waste Management Plan.
8. Economic Development.
9. Growth Management.

The last three elements are optional elements which the City has chosen to adopt. The first 4 elements are considered to be "visual" elements of the general plan. At this time, the City has chosen to update two of the four "visual" General Plan elements, the Land Use and Circulation elements.

**Land Use Element/Relevant Project History:** In 1991, the City of Hercules prepared a Master Environmental Assessment (MEA) for major undeveloped land remaining in the City limits. The purpose of the MEA was to provide a basis for updating the City's General Plan Land Use Element. The MEA study area consisted of 14 separate and discontinuous parcels of land ranging from 3 to 67 acres. Constraints to development were identified for each parcel under geology, traffic and circulation, biological and wetland resources, air quality, noise, energy and public services.

**Community Panel Recommendations.** Following the preparation of the MEA, the City formed a City Council and Planning Commission subcommittee in 1992 called the "Community Panel." The goal of the Community Panel was to recommend a concept for the Land Use Element update. The Community Panel identified 3 land use alternatives and recommended a preliminary land use concept which focused on:

1. Allow for physical "build-out" of the City.
2. Accommodate current land use trends for affordable housing and mixed public-private use.
3. Extend the linear park along Refugio Creek westward towards San Pablo Bay.



4. Designate land near State Route 4 and Interstate 80 interchange and along SR4 for general commercial use.

Fourteen parcels were singled out for reclassification by the Community Panel. The purpose of the Community Panel was directed at development of commercial and industrial properties, however, higher density residential zoning was also proposed to be intermixed with the commercial and industrial designations producing a mixed-use, hybrid land use. The higher density housing is consistent with the City's need to produce affordable housing under state law mandates. The focus of the General Plan update is still to promote quality commercial and residential development and to pursue a balance between commercial and residential development.

Since completion of the recommended Land Use Concept, the City has also proposed land use redesignations for an additional 10 parcels. Most of the parcels range in size from 1.8 to 7 acres, the largest parcel is approximately 25 acres. The ten properties which were added as part of the CEQA process were either already zoned residential or they were far away from developed subdivisions and the I-80/SR-4 intersection. Generally, the properties are of lesser significance in terms of size and development potential, but were included to complete a comprehensive General Plan revision program.

The Community Panel's recommendations are incorporated within the updated Land Use Element. The revised Land Use Element's goals and objectives are listed in Volume II: Appendices beginning on page 13.

**Land Use Changes.** The proposed General Plan changes for the 24 subject parcels are shown on Figure IV.A-3 of Volume I: EIR Text. The parcels are circled and the new General Plan designations are lettered.

**Circulation Element.** The current Circulation Element was adopted by the City Council in October, 1988. The draft updated Circulation Element has been revised to be consistent with the development assumptions in the revised Land Use Element. Generally, the existing Circulation Element objectives and policies are the same in the draft updated Circulation Element, with the primary exception being a change in traffic level of service standards necessitated by the 1988 passage of Contra Costa County Measure C, and the City's adoption of a General Plan Growth Management Element. The 2 objectives remain the same as in the current Circulation Element:

1. Provide for the movement of people and commodities in the City.
2. Preserve and enhance visual qualities as viewed from designated scenic routes.



- b. Zoning Compliance: There are 4 land use classifications, "Commercial Public", "Open Space Creek Corridor", "Planned Commercial-Residential" and "Industrial-Residential", which do not correspond to existing zoning designations. The City is in the process of revising the current adopted zoning ordinance to conform with the new revised General Plan Land Use and Circulation Elements.

8. ELEMENTS FOR COMMISSION'S CONSIDERATION: The Planning Commission is required by State law to insure the following:

- a. At least one public hearing is conducted before approving a proposed general plan amendment. (Gov't Code Section 65353)
- b. Make a written recommendation on the adoption of the general plan amendment. An affirmative vote of not less than a majority of the total membership of the commission. The commission shall send its recommendation to the legislative body. (Gov't Code Section 65353)
- c. That the amendments are integrated and internally consistent with other adopted elements of the general plan. (Gov't Code Section 65300.5)

9. SUMMARY OF POLICY ISSUES FOR COMMISSION'S CONSIDERATION: Through the combined public workshops conducted by the City Council and Planning Commission, written comments received from affected parties and technical responses provided by the consultants, Environmental Science Associates, Inc., a number of possible policy issues have been raised for Planning Commission consideration. These are summarized below and are presented in more detail in Volume I: EIR Text, starting in Section VIII, "Responses to Comments."

- 1. From Georgia Kelley, letter dated March 28, 1995, regarding the Gelsar site:

On page VIII.A-47, comment no. 40, 41: Change larger portion of land adjacent to San Pablo Avenue currently designated for "General Commercial" uses to "Commercial-Residential" refers to the proposal sent to the Planning Commission and City Council requesting a modification to the proposed land use designations due to shifting market conditions (a copy of Gelsar's proposal is attached for Planning Commission's review).

Staff response: Gelsar is responding to perceived market conditions stating that a commercial center would require only 5 acres, maybe a few more depending upon the size of the tenant, not 17.3 acres. The potential number of residential units would not increase; the residential units would be spread over an additional 12.3 acres. Gelsar's 404 Permit Application is currently under review by the Army Corps of Engineers and permit issuance is expected by year end. The delineations of the wetlands and creek corridor have been refined and the gross acreages for the land use designations and subsequent proposed modifications by Gelsar result in a gross increase of 23.5 acres of Planned-Commercial-Residential (19.3 acres will be wetlands preserve), an overall decrease in General Commercial of 11.7 acres (a



minimum of 5 acres will be commercial in the Planned Commercial-Residential), and a 0.5 acre reduction in Planned Office/R & D

2. From Carol S. Arnold, on page VIII.A-112, Fred Kilby and Steve Lawton, on page VIII.A-124 regarding parcel "C" who are opposed to changing the proposed land use designation to "Multi-Family Residential."

Staff response: Agree; existing land use designation is "Elementary School"; parcel "C" should be reanalyzed by the Planning Commission in light of all information developed to date through the environmental review and comments received from community members.

Commission should consider if these changes are reasonable, and make recommendations approving or denying these changes.

9. SPECIAL RECOMMENDED CHANGES: Staff recommends the following changes to the Land Use Element text:
  - a. Delete the "Multi-Family-High Density" land use category on page 42 of the Land Use Element. There is no land use designation proposed for the 24 parcels, and no need to keep this designation.
  - b. Last line, page 34 of the Land Use Element: Change "0.03" to "0.30."
  - c. Second line on page 41 of the Land Use Element: Insert the phrase: "single family detached residences, duets, triplexes" between "with" and "townhouses".
10. ACTION REQUIRED BY: Not applicable since this project proposal is considered legislative.
11. ATTACHED EXHIBITS:
  - a. Volume I: Final EIR Text (distributed)
  - b. Volume II: Appendices (distributed)
  - c. Exhibit A, Comparison of Existing Zoning to Proposed General Plan Designations table
  - d. Figure IV.A.1, "Existing Land Use"
  - e. Figure IV.A.3, "Proposed General Plan Land Use Designations"
  - f. Letter from Georgia Kelley dated March 28, 1995
  - g. Draft Resolution

**COMPARISON OF DIFFERENT RESIDENTIAL DENSITIES ON  
THE CITATION, MCLEOD, MRB, HPI, AND GELSAR PROPERTIES**

						Key Indices of Environmental Impact		
Property	Option	Residential	U/AC	Acres	DU's	Traffic*	Population	# of Students
Hercules Property Inc.	1	Multi-Fam. Med. Den.	30	22.3	669	EIR discussed	2,121- EIR discussed	221- EIR discussed
	<b>1a</b>	<b>Multi-Fam. Mid-range</b>	<b>20</b>	22.3	446	34% less traffic	1,414	147 students
	2	Multi-Fam. Low. Den.	12	22.3	268	60% less traffic	850	88 students
	3	Single Family	7	22.3	156	77% less traffic	495	44 students
Citation Site	1	Multi-Fam. Low Den	12	5.6	67	EIR discussed	212 - EIR discussed	22 - EIR discussed
	<b>1a</b>	<b>Multi-Fam. Mid-range</b>	<b>20</b>	5.6	112	45% more traffic	355	37 students
	2	Single Family	7	5.6	39	42% less traffic	124	11 students
McLeod Site	1	Multi-Fam. Low Den.	10	7.4	74	EIR discussed	235 - EIR discussed	24 - EIR discussed
	2	Single Family	7	7.4	52	30% less traffic	165	15 - EIR discussed
MRB Site	1	Multi-Fam. Med. Den.	30	4.6	138	EIR discussed	438 - EIR discussed	45 - EIR discussed
	<b>1a</b>	<b>Multi-Fam. Mid-range</b>	<b>20</b>	4.6	92	34% less traffic	292	30 students
	2	Multi-Fam. Low Den.	12	4.6	55	61% less traffic	174	18 students
	3	Single Family	7	4.6	32	77% less traffic	101	9 students

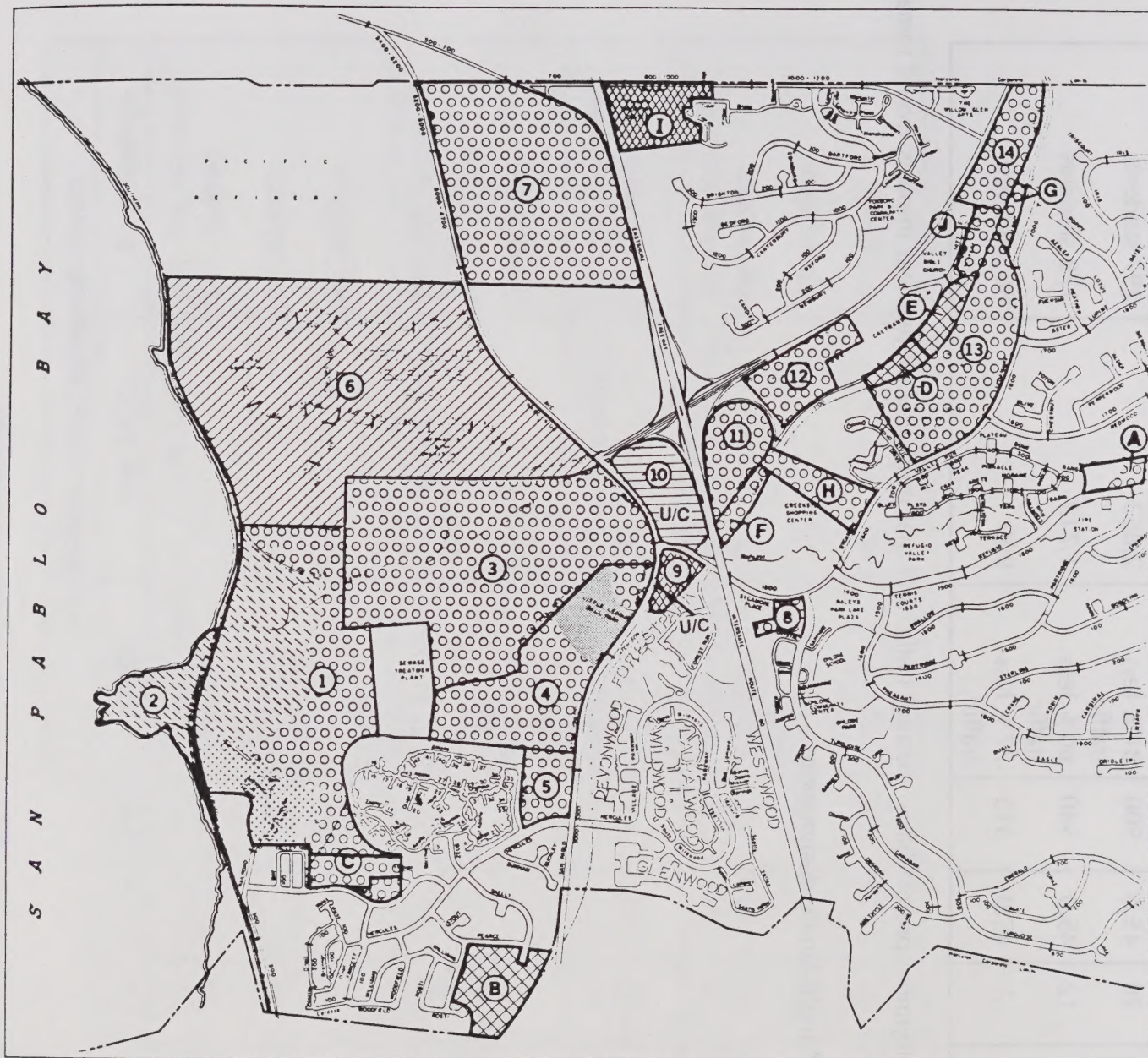


Gelsar Site	1	Planned Comm./Res.	30	45.0	1,350	EIR discussed	4,280- EIR discussed	446 - EIR discussed
	<b>1a</b>	<b>Multi-Fam. Mid-range</b>	<b>20</b>	45.0	900	34% less traffic	2,853	297 students
	2	Multi-Fam. Low Den.	12	45.0	540	60% less traffic	1,712	178 students
	3	Single Family	7	45.0	315	77% less traffic	999	88 students

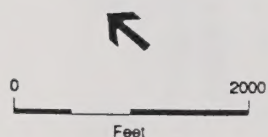
\*Traffic comparisons are on an individual development project basis; existing traffic and that produced by regional impacts would remain unaffected.

NOTE: Option 1a is an illustrative "mid-range" multi-family designation.





① / A Parcel Reference



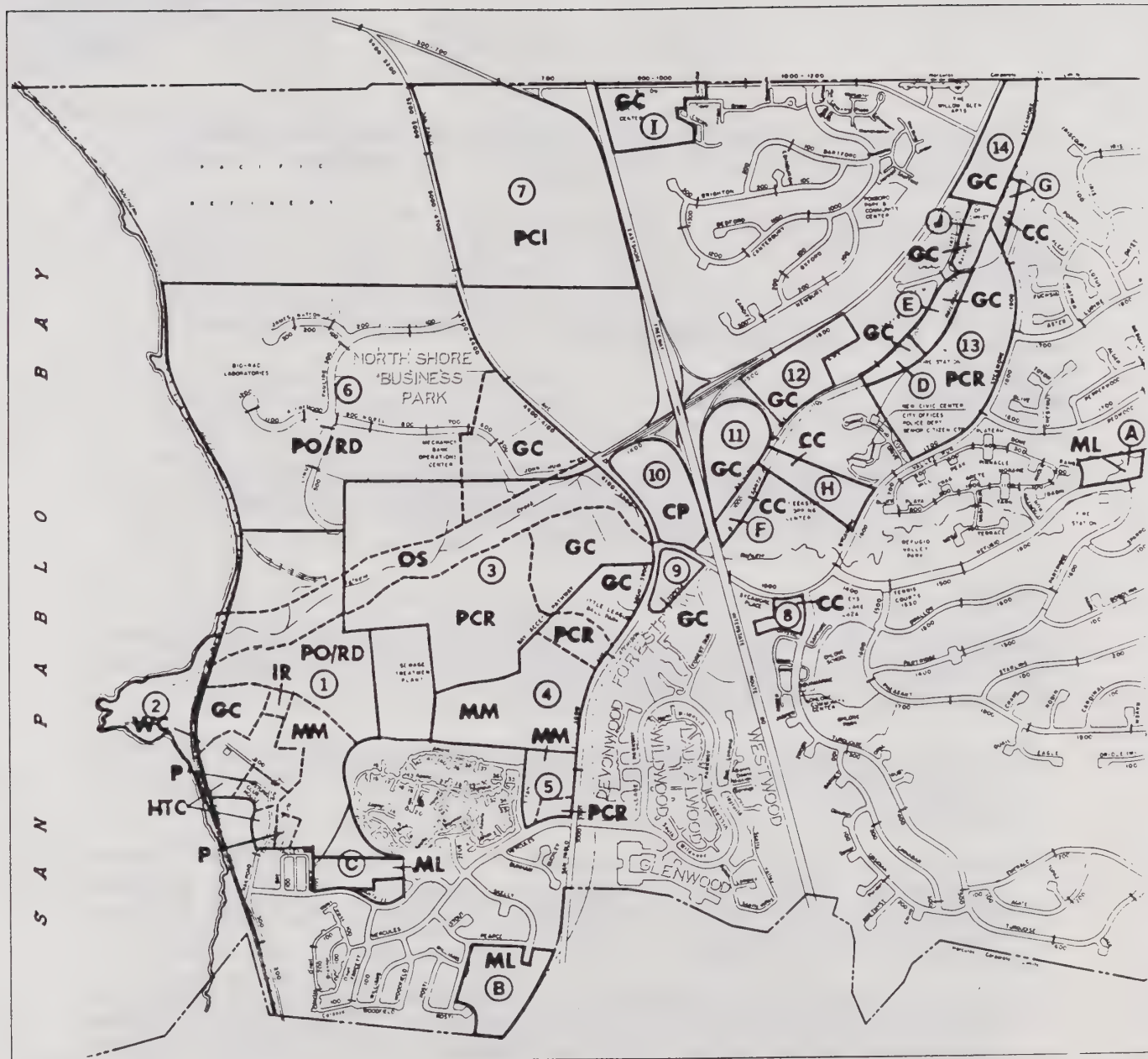
- |  |                        |  |                        |
|--|------------------------|--|------------------------|
|  | Vacant / Open Space    |  | Historic District      |
|  | Business Park          |  | Commercial             |
|  | Former Industrial Site |  | Commercial / Storage   |
|  | Recreation             |  | Public / Semi-Public   |
|  |                        |  | U/C Under Construction |

SOURCE: Environmental Science Associates

Hercules General Plan Land Use and Circulation Elements Update / 930314 ■

**Figure IV.A.1**  
Existing Land Use





① / (A) Parcel Reference



#### RESIDENTIAL

- ML** Multi-Family Low Density
- MM** Multi-Family Medium Density

#### COMMERCIAL

- WC** Waterfront Commercial
- GC** General Commercial
- CC** Community Commercial
- CP** Commercial Public

#### PUBLIC

- OS** Open Space
- P** Public (City Facilities)

#### EMPLOYMENT

- PO/RD** Planned Office-Research & Development

#### MIXED

- PCI** Planned Commercial-Industrial
- PCR** Planned Commercial-Residential
- IR** Industrial Residential
- HTC** Historic Town Center

SOURCE: City of Hercules; Environmental Science Associates, Inc.

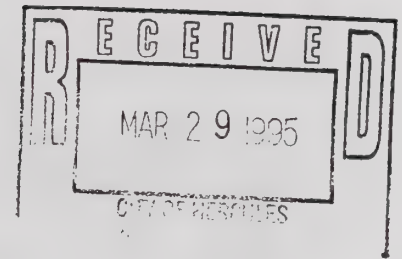
Hercules General Plan Land Use and Circulation Elements Update / 930314 ■

**Figure IV.A.3**  
Proposed General Plan  
Land Use Designations



**GEORGIA KELLEY**  
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March 28, 1995

Mr. Gary Hembree  
Community and Business Development Director  
City of Hercules  
111 Civic Drive  
Hercules, CA 94547

Subject: **City of Hercules General Plan Land Use and Circulation  
Elements Update and Redevelopment Plan Amendments  
Environmental Impact Report**

Dear Gary:

Thank you for this opportunity to comment on the Draft Environmental Impact Report ("EIR") for the Land Use and Circulation Elements Update. After reviewing the Draft EIR, I have the following comments and questions:

1. I-3, Par. 2, line one. The EIR is based on the projected buildout of Hercules in 2010. How was this year determined? Is there any market research to back this assumption?
2. II-7, Par. 1, last line. The City requires 100-year flood control improvements before any development can occur in a floodplain. Therefore, potential exposure of the population to a 100-year flood would be reduced with the development of a property.
3. II-28, Biology-2a. Mitigation measures, including buffer zones, are determined in the Corps of Engineers (COE) permitting process. Stating that a 100-foot buffer zone should be placed around any wetlands is inappropriate. It does not allow for creativity in the planning and design process with the COE, California Department of Fish and Game (CDFG) and other environmental agencies. Please see comment 5 regarding Biology 3b mitigation measure and comment 12 regarding the Open Space Creek Corridor below.
4. II-28, Biology-2c. As stated above, mitigation measures are determined during the COE permitting process. The City should not direct the environmental agencies on how to carry out their responsibilities. The required buffer zones provide the transition areas between proposed land uses and the natural community. An additional transition area should not be required.
5. II-29, Biology-3b. Again, this mitigation measure does not take into account creativity in the design of riparian corridors which incorporate the 50-foot buffers into the design of the 100-year channel. This approach provides the opportunity to create a greater amount of wetland habitat within the riparian corridor. The environmental agencies look favorably upon this approach. In this case, the building footprints along the riparian corridor can be at the top of



the bank and/or less than 50 feet from the edge of the corridor. Please see comment 12 regarding the Open Space Creek Corridor on the Gelsar property.

6. II-35, Visual-1c. The environmental agencies want the eucalyptus trees along Refugio Creek removed and replaced with natives. The Gelsar Mitigation Plan calls for the planting of many native trees along this corridor. The proposed hiking/biking path on the Gelsar property will be along the southern edge of the creek corridor as requested by the environmental agencies.
7. II-36, Visual-2a. As stated above, the environmental agencies want the eucalyptus trees along Refugio Creek on the Gelsar property removed and replaced with natives. The eucalyptus trees along San Pablo Avenue on the Gelsar property are within the current and proposed Refugio Creek corridor and therefore will be removed. The Community Panel agreed that these trees should be removed and replaced with natives that do not grow taller than 50 feet to provide visibility into the site from Interstate 80.
8. II-42, Hazard-1b. As stated in Barbara Coler's letter from the Department of Toxic Substances Control ("DTSC") (Appendix B), DTSC is the lead agency for the investigation and cleanup of soil contaminants on properties west of Interstate 80. These properties prepare site remediation plans under the direction of DTSC, not the County Health Services Department nor the City.
9. II-44, Hazard-2e. Gelsar agrees that no buildings or development should be installed within any pipeline right-of-way. However, it is common practice to have pavement and landscaping within these right-of-ways. This mitigation measure should be revised.
10. II-55, Geology-5a. Any structures on fill placed over bay mud will be supported as required by soil engineers. Buildings will be appropriately engineered to avoid future potential settlement. Adequate surcharging is sufficient for mitigating the hazard of differential settlement of fill over bay mud. The requirement of placing buildings and other structures "on pile supports sunk and anchored to bedrock beneath fill, alluvium or muds" should be deleted.
11. III-7. Please delete "Inc." after Gelsar (Parcel 3).
12. III-10. The updated land use categories do not include a description of the Open Space Creek Corridor. The Gelsar Mitigation Plan for the Refugio Creek Corridor integrates flood control, habitat, water quality, and aesthetic goals. Approximately 160 feet of the 180-foot creek corridor will be designed to carry 100-year flood flows with 20 feet above the 100-year flood zone. Hydrologic studies prepared for Refugio Creek have determined that a 60-foot-wide channel is required to carry 100-year flood flows. The 160-foot-wide 100-year flood channel on the Gelsar property includes the required 50-foot buffers on each side in order to allow vegetation growth. The proposed creek corridor includes the preservation, enhancement and creation of riparian, seasonal wetland and upland habitats within a natural 100-year flood control channel. A pedestrian pathway will be constructed in the 20-foot wide area above the 100-year flow zone along the southern edge since the environmental agencies do not want public access into the habitat areas.



13. III-11, Planned Commercial-Residential. The description states that "residential uses that would be permitted include multi-family residences. In Appendix F: Draft Land Use Element, on page 37, it states that the "residential density in this category may range from 15 to 30 units per acre (approximately 45 to 85 persons per acre); structures within this land use designation shall have a maximum height of three stories." This allowable density is equivalent to the land use designation: Multi-Family - Medium Density, 12-30 units/acre, on page 41. The maximum building height for this designation is 60 feet. Since the permitted residential use for the Planned Commercial-Residential designation is the same as Multi-Family - Medium Density, the maximum building height should be the same, 60 feet. In addition, the maximum building height of three stories does not allow for greater intensity or densities when avoiding wetland areas.
14. III-13, Table III.1. The acreages for Parcel 3, the Gelsar property, are incorrect. As per the Gelsar Mitigation Plan, which is part of Gelsar's application for a Corps of Engineers Section 404 Permit reviewed by the environmental agencies, the proposed Refugio Creek Corridor (Open Space/Creek Corridor) is 15.1 acres, not 26.4. In addition, the proposed alignment of the Creek Corridor is shifted slightly north in one section. This correction in the alignment of the creek was presented at the City Council meeting two years ago when the Community Panel Alternative was presented. These corrections create the following changes in the other land use designation acreages: 5.6 additional acres of General Commercial, 6.2 additional acres of Planned Commercial-Residential, and 0.5 acres less of Planned Office/R & D. Therefore, the table should read:

Preferred Design. Use	Acre	Maximum Sq. Ft.	Intensity/Density		
			FAR	U/AC	Units
General Com'l (So. of creek 17.3) (No. of creek 2.4)	19.7	214,533	0.25		
Planned Com'l-Res	51.2			30	1536
Planned Off/R & D	18.0	235,224	0.30		
Open Space/Creek	15.1	n/a	n/a	n/a	n/a
Total Acreage	104.0				

Copies of the figures submitted to the Corps of Engineers and reviewed by the various environmental agencies have been given to the consultant. These figures include a cross-section of the creek corridor showing its width and depth and the proposed alignment of the creek corridor.

15. IV.A-6. Please delete "Inc." after Gelsar (Parcel 3).
16. IV.A-15. The EIR states that the Land Use Element Update is in response to the findings of the Economic Development Strategy Planning Task Force in 1990. That was 5 years ago; the economy and the real estate market, especially for commercial uses, have changed considerably. The Land Use Element Update must take into account current and projected market conditions. Please see comments 36 and 40.



17. IV.A-19, Par. 1. In response to the Corps of Engineers' request for comments on the Public Notice regarding Gelsar's application for a Section 404 permit, BCDC stated that the Commission has no jurisdiction over the Gelsar property.
18. IV.A-27, Growth Management Policy II.E.2. The cost of maintaining adequate operations on Routes of Regional Significance should be shared by all development, existing as well as new, plus other municipalities and agencies receiving benefit from these regional roadways.
19. IV.B-15, Bicycle and Pedestrian Facilities. The Open Space Element needs to be updated. The location of the Refugio Creek Corridor and the accompanying pedestrian trail has changed.
20. IV.B-22., Figure IV.B.4. This figure does not show the extension of John Muir Parkway through the Gelsar property and into the HPI site. The extension of Sycamore Avenue is not known correctly along the Gelsar/Hercules Inc. property line and it does not move northward when it reaches the Hercules Wastewater Treatment Plant. The extension of Sycamore Avenue moves south around the treatment plant and then into the historic commercial area on the HPI site. The West County Action Plan is requiring a roadway across the Gelsar property which will connect John Muir Parkway with Sycamore Avenue. The exact alignment of this roadway has not been determined, but is currently shown on the Gelsar land use plan dividing the General Commercial portion of the property from the Planned Commercial-Residential portion.
21. IV.B-27, Par. 3. The explanation for not including the 18.5 acres of planned office/research and development (PO/RD) land use on the Gelsar property in the analysis for the EIR is unclear. What were the changes in the land use assumptions for the Community Panel Recommended Land Use Concept? This portion of the Gelsar property has been proposed for this land use designation since the 1980's, in the Gelsar/HPI Specific Plan. The actual acreage is 18 acres of PO/RD adjacent to a 2.4 acre triangular parcel that was redesignated as General Commercial by the Community Panel.
22. IV.D-5, Figure IV.D.1. This figure is incorrect. Gelsar submitted a copy of a map to the City to be used in the EIR which shows all of the wetlands on the Gelsar property under the jurisdiction of the Corps of Engineers. The smaller "potential freshwater wetlands" area adjacent to the West Branch of Refugio Creek is close to being correct. But the large "potential freshwater wetlands" area is almost completely incorrect. Almost all of the jurisdictional wetlands lie outside of this area designated on the figure. The brackish pond area under jurisdiction of the Corps also differs from the pond area designated on the figure. All of the environmental agencies are aware that it is not a true representation. But Gelsar is concerned that the public or other agencies will see this figure and believe that it represents the true situation when it does not. It doesn't represent the true situation on other parcels either. A copy of the jurisdictional delineation map for the Gelsar property has been given to the consultant.
23. IV.D-30, Par. 3. A jurisdictional wetland delineation map for the Gelsar property (Parcel 3) was confirmed by the Corps of Engineers on January 18, 1991. The Corps extended its confirmation of this jurisdiction for the life of Gelsar's current Section 404 permit application.



24. IV.D-31, Biology 2a and 2c. Comments on these two mitigation measures were presented above. Please see comments 3, 4 and 12.
25. IV.D-32, Biology-3b. Please see comments 5 and 12 above.
26. IV.F-18, Par. 1. If elementary school capacity is expected to fall short of enrollment with project buildout, and there is a possibility that a new elementary school needs to be constructed, why is the City considering the redesignation of Parcel C? Parcel C, owned by Citation, is currently designated as an elementary school site and it is located west of Interstate 80 where the majority of new housing will be built.
27. IV.G-18, Hazard-1a, and IV.G-19, Hazard-1b. As stated in Barbara Coler's letter from the Department of Toxic Substances Control ("DTSC") (Appendix B), DTSC is the lead agency for the investigation and cleanup of soil contaminants on properties west of Interstate 80. These properties prepare site remediation plans under the direction of DTSC, not the County Health Services Department nor the City.
28. IV.G-21, Par. 1, Parcel 3. There are PG&E and EBMUD easements along the eastern portion of Parcel 4, the Hercules Inc. property, but they do not extend into Parcel 3, the Gelsar property. There are no recorded easements on the preliminary title report for a natural gas pipeline on the Gelsar property. The 180-foot wide creek corridor on the eastern edge of Parcel 3, along San Pablo Avenue, will provide a buffer between any pipelines along San Pablo Avenue and development on Parcel 3.
29. IV.G-24, Hazard-2e. Gelsar agrees that no buildings or development should be installed within any pipeline right-of-way. However, it is common practice to have pavement and landscaping within these right-of-ways. This mitigation measure should be revised.
30. IV.H-4, Cultural-1a. Application for a Section 404 permit from the Corps of Engineers triggers the need for Section 106 clearance. *A Summary Report of Archival and In Field Searches for Cultural Resources at the Gelsar Hercules Project Area* was completed in November, 1993 and submitted to the archaeologist at the Corps. After review by the State Historic Preservation Office ("SHPO"), Gelsar received Section 106 clearance in 1994.
31. IV.I-1, Streams, Par. 1. The portion of Refugio Creek lying west of San Pablo Avenue on Parcel 1 is tidally influenced, not on Parcel 3.
32. IV.I-2, Figure IV.I.1. This map showing flood prone areas is incorrect for Parcel 3, the Gelsar property. It is based on an old topo map. In 1985, clean fill was placed in the northwest corner of Parcel 3 down to the edge of Refugio Creek following the remediation of contaminated soils.
33. IV.J-19, Geology-5a. Any structures on fill placed over bay mud will be supported as required by soil engineers. Buildings will be appropriately engineered to avoid future potential settlement. Adequate surcharging is sufficient for mitigating the hazard of differential settlement of fill over bay



mud. The requirement of placing buildings and other structures "on pile supports sunk and anchored to bedrock beneath fill, alluvium or muds" should be deleted.

34. In the "Report of the Community Panel Regarding an Updated Land Use Element of the General Plan" presented to the City Council on February 23, 1993 by former Planning Director, Kevin Garrett, it states on page 4: "The Panel recommended that the EIR for the revised Land Use Element should address the following points: Impacts of allowing high density residential development at some properties (eg. MRB site, Gelsar parcel)." This was not done. The EIR only makes reference to density bonuses for projects which will provide affordable housing.
35. Appendix F: Draft Land Use Element ("LUE"), typos. Page 6, Par. 2, line 1. Should be "Businesses." Page 7, Par. 1, line 3. Should be "basic." Page 9, Par. 1, line 1. Should be "includes."
36. LUE, p. 15, Policy IA. The General Plan must be sensitive to the changing economy and real estate markets. Landowners should have the ability to apply for a General Plan Amendment in order to make a project economically feasible; "and only allow" should be deleted from this policy. The EIR states in the second paragraph on page I-3, "Projects that would affect land use designations on individual parcels during or after adoption fo the Land Use and Circulation Elements updates would not necessarily affect the overall analysis of cumulative effects in this program-level EIR." Please see comments 16 and 40.
37. Appendix G: Draft Circulation Element ("CE"), Figures III.2, III.3, and III.6. The alignment of the Sycamore Avenue extension west of San Pablo Avenue is incorrect. The proposed alignment of Sycamore Avenue, as agreed upon by the landowners of Parcels 1, 3 and 4, curves to and then follows the Gelsar/Hercules Inc. property line to the Hercules wastewater treatment plant, moves along the southern edge of the plant property, and then into the historic commercial area on the HPI property. All three figures should be corrected.
38. CE, typos. Page III.20, Objective 2) a. Should be "Establish." Page III.22, Policy 2) f, line 2. Should be "and."
39. Appendix H: Draft Dynamite Redevelopment Plan Amendments, typos. Amendment B.1, line 3. Should be "Land." Amendment B.2., line 2. Should be "used for the commercial uses permitted," not "residential."
40. Gelsar's economic consultant, Economic and Planning Systems ("EPS"), has informed Gelsar that the amount of land designated for commercial uses on the Gelsar property is far in excess of what can be supported by the local community and any likely capture of regional market demand.

When the current land use designations in the Land Use and Circulation Elements Update were proposed for the Gelsar property in April 1992, there was considerable activity by "big box" retailers in the I-80 corridor, and elsewhere, that suggested there might be a market for such region-serving commercial uses on the site. Since then, most of this development has occurred or has been approved on other sites outside of Hercules. The market for region-serving uses



in the corridor is saturated by developments in Pinole, Vallejo, Fairfield, Richmond and Emeryville, and there is very little potential to expand the market that could be served by the Gelsar site. Thus, the opportunity for several hundred thousand square feet of retail is past and has been satisfied elsewhere. This is not surprising in that, despite its location at the junction of State Route 4 and Interstate 80, the Gelsar site suffers from poor visibility and access from the freeway.

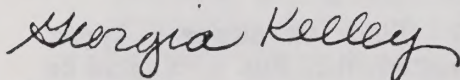
The portion of the site, south of the Refugio Creek Corridor, designated as General Commercial is sized for a rather large neighborhood center of 200,000+ square feet. There is not now and not likely to be in the future sufficient local demand to support a third neighborhood center. The two existing centers have struggled for years and are only now beginning to perform adequately. If a center were developed on the Gelsar site, it would only compete with the existing retail and result in marginalizing all three centers with little or no net gain in sales tax to the city.

What is really appropriate for the site, and needed in Hercules, is a commercial use that complements the existing retail, providing additional commercial services to residents, while taking advantage of San Pablo Avenue access and proximity to the existing commercial activities on Sycamore Avenue. This type of development would most likely be a smaller scale specialty center in a mixed use setting with restaurants and small shop space. Such a center would require between 5 and 10 acres at most, depending on whether it is anchored by a larger user or not. Therefore, Gelsar is requesting that the larger portion of land adjacent to San Pablo Avenue that is currently designated as General Commercial in the Land Use and Circulation Elements Update be redesignated as Planned Commercial-Residential. Gelsar has submitted a formal request for redesignation to the City Council and Planning Commission. Please see previous comments 16 and 36.

If you have any questions, please call me at (707) 769-9344.

Very truly yours,

GELSAR



Georgia Kelley  
Hercules Project Manager

cc: John Howard, Gelsar



**RESOLUTION NO. GPA 93-1**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERCULES APPROVING AND RECOMMENDING TO THE CITY COUNCIL ADOPTION OF GENERAL PLAN AMENDMENT NO. GPA 93-1 UPDATING AND REVISING THE EXISTING LAND USE AND CIRCULATION ELEMENTS WITH RELATED AMENDMENTS TO THE DYNAMITE REDEVELOPMENT PROJECT PLAN IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65302 ET. SEQ.**

WHEREAS, the Planning Commission of the City of Hercules has considered proposed General Plan Amendment No. GPA 93-1 for the updating and revision of the existing Land Use and Circulation Elements of the City's General Plan in accordance with Section 65350 et. seq. of the Government Code of the State of California; and

WHEREAS, the Planning Commission has held public hearings and received and reviewed written and oral testimony related to proposed General Plan Amendment No. GPA 93-1; and

WHEREAS, the Planning Commission finds, after due study and deliberation, that the public interest and general welfare require the adoption of General Plan Amendment No. GPA 93-1; and

WHEREAS, the Planning Commission has thoroughly considered the certified Final Environmental Impact Report No. FEIR 93-1 prepared for the project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Hercules approves and recommends to the City Council adoption of General Plan Amendment No. GPA 93-1, the updated and revised Land Use and Circulation Elements of the City's General Plan with related amendments to the Dynamite Redevelopment Project Plan. A copy of the revised land use and circulation elements is attached.

PASSED AND ADOPTED this 25th day of October, 1995, by the following vote:

AYES:

NOES:

ABSENT:

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William Leong, Vice-Chairman, 1995

ATTEST: \_\_\_\_\_

Gary Hembree, Secretary



